



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, TUESDAY, SEPTEMBER 10, 2019

No. 144

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. DINGELL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 2019.

I hereby appoint the Honorable DEBBIE DINGELL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2019, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

THE DISCONNECT BETWEEN THE BELTWAY AND THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. BOST) for 5 minutes.

Mr. BOST. Madam Speaker, we often hear about the disconnect between the beltway and the American people. It is usually not intentional. It is not based on malice, but it is real. The perfect example of this disconnect is found in my district in southern Illinois.

Alexander County is home to the Len Small levee along the Mississippi

River. The levee breached during the winter floods of 2015 and 2016. The aerial photo here shows just how devastating the breach was for farms and communities. There is about 1,000 acres, and that river is now trying to cut a new gorge to change the course of the river.

We immediately went to work in our office to try to get Len Small repaired. However, the Army Corps of Engineers told us that the levee wouldn't receive Federal funding because it failed to meet the benefit-cost ratio based solely on its flood protection criteria.

But the Len Small levee provides much more than flood protection. It is critical to navigation and commerce on the Mississippi River. If it cuts through that gorge, it changes the course of the river and it becomes a rapids.

So I introduced legislation directing the Army Corps of Engineers to consider navigational benefits, along with flood protection, when determining if a levee was worth a repair.

The Corps then informed us that there was no navigational benefit to the repair in Len Small. So over the months, the flood waters receded, leaving nothing but the sand and debris behind. And that was until earlier this year, when record rainfall into the Mississippi flood plain and southern Illinois once again brought the river up.

In August, I toured the where the levee is, and this was left behind: six barges, not counting the tolls that were sucked in. We managed to get all of them out but two.

Now, this is three-quarters of a mile inland on a person's farm, but yet they are saying that it has no navigational problems?

Look, I believe the Washington staff of the Army Corps has good intentions. They don't want to hurt people. They want to make a bad situation better, and they are trying to balance the needs of the communities across this country. It can't be easy, and I appre-

ciate that. But how in the world can anybody look at this photo and say there is no navigational benefit to the Len Small levee?

When the floodwaters crested earlier this summer, the Coast Guard issued a warning. Now, another Federal agent. What does it say? U.S. Coast Guard Safety Advisory, June 27, 2019, unclassified:

The U.S. Coast Guard has issued this safety advisory due to an outdraft at the break in the Len Small levee. It is recommended that the vessels stay approximately 800 feet off the shore. Use extreme caution. Keep a sharp lookout, and report navigational hazards to the Coast Guard immediately.

That is right. The U.S. Coast Guard issued a safety warning to vessels in the river to avoid the Len Small levee. They urged ships to use extreme caution and report any navigational hazard.

Madam Speaker, there is a clear navigational benefit to fixing the Len Small levee, and there are huge navigational consequences to not taking action. Weeks, months, or years from now, we will be right back in this situation again when the flooded land and desperate people ask why their government didn't act sooner.

I urge the Army Corps of Engineers to reconsider how important this levee is to flood protection and navigation. We must get the Len Small levee fixed.

AND STILL I RISE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GREEN) for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, and still I rise with love of country in my heart and, I must say, I rise today, unfortunately, some 146 days since the Mueller report was released, some 48 days since Mr. Mueller testified, some 48 days for the President to be above the law since the testimony of Mr. Mueller, 146 days above the law

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H7561

since the report was presented to Congress.

And still I rise, with a very special message, however. I want people to know that there is more than hope. I rise today to say that there will be an impeachment. The President will be impeached.

Some things bear repeating.

The President will be impeached. There will be a vote taken sometime this week, I am told, for the Judiciary Committee to make some sort of official announcement.

I rise to say that the President will be impeached, in spite of some and because of others.

I rise today to say that he will be impeached because the hands of history are piloting his ship of fate. And I believe that history will not allow us, the Members of this august body, to allow the President to be above the law. I believe that if we fail to do so, it would make Article II, Section 4 of the Constitution meaningless. It would have no application to the term that we quite often use, "no person is above the law." We would then have to say: No person is above the law, saving at least one person.

Article II, Section 4, if it is to have meaning, means that the President will be impeached. So I rise to stand here on the floor of the House and announce that it will happen.

But there is one question that is outstanding, and that is whether the bigotry emanating from the Presidency is going to be a part of that impeachment.

I believe that if the radical Republicans in 1868 could impeach Andrew Johnson, who was the bigot of his time, if they could impeach Andrew Johnson, it seems to me we ought to be able to impeach this President for bigotry emanating from the Presidency as well.

Andrew Johnson was opposed to the Freedmen's Bureau. He fought the notion that the persons who had been freed should have the same liberties that other in this country enjoyed, and he was impeached. Republicans did it. Radical Republicans did it.

I believe that we ought to have the same standard today that we had in 1868, and if we should, I believe that there will be an impeachment. So I am announcing today that there will be an impeachment.

One final point. After the vote, whenever it takes place in the Judiciary Committee, I will have some additional special statements to make, but I am reserving them for after the vote.

I love my country. Democracy hangs in the balance. Liberty and justice for all must prevail. And if it is to prevail, there must be and will be an impeachment. The hands of history are piloting the ship of fate.

And still I rise.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

COMMEMORATING SEPTEMBER 11

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX of North Carolina. Madam Speaker, no American will ever forget what happened to us, to our Nation, 18 years ago. We remember exactly where we were and what we were doing when we watched the tragedy of September 11 unfold.

But we also recount how, in the midst of fear and uncertainty, so many Americans acted as heroes and gave of themselves for the sake of their country and their city to help their fellow human beings.

The darkness of that day did not prevail. An attack meant to bring us to our knees instead brought us together and prompted a generation of protectors—airmen, soldiers, sailors, Coast Guard, and marines—to rise up in defense of freedom and in pursuit of peace.

As we commemorate the tragedy of September 11, we pray for the families of the fallen in New York, Washington, and Pennsylvania; we give thanks for the bravery of first responders who ran toward the burning buildings and away from safety; we honor the men and women whose last moments were committed to love of country and their fellow human beings; and we pray for the safety of those men and women still deployed throughout the world on the mission that began that day.

While we hope never again to endure the suffering that day brought, it continues to inspire all of us to be selfless for the greater good of our country which unites us all.

I commend the communities in North Carolina's Fifth District and around the country who are commemorating 9/11 and taking up service projects in remembrance of September 11 on what has become our National Day of Service.

May God continue to bless the United States of America.

HONORING THE SERVICE OF SERGEANT FIRST CLASS RICHARD STAYSKAL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise today to honor Sergeant First Class Richard Stayskal and to tell Rich how much I admire his bravery and his service to our country.

Rich has been in D.C. since yesterday, talking to Members of the Senate about the critical need to address the injustice of the Feres doctrine. Today, he has joined us in the gallery.

This will likely be his last trip to Washington, D.C. That is because this father, this husband, this marine and Army Green Beret has end-stage lung cancer, a cancer that Army medical staff failed to alert him to despite find-

ing the tumor on scans. The cancer grew at a deadly pace, untreated and undiagnosed, until he went to a private practice doctor in 2017. By then, it was stage IV, and his prognosis was terminal.

□ 1015

Despite this devastating development, Rich continued his service overseas and at home in good times and bad until not long ago and just shy of his 20-year milestone for full retirement. He also fought this tragedy as a true soldier and tackled the very thing that has left him and his family most vulnerable: The Feres doctrine.

The Feres doctrine is an outdated judicial ruling that bars active duty servicemembers from suing the government for medical malpractice. These are not in combat situations. These are cases that happen here at home at medical facilities on Army bases and other services. There has never been a bill, there has never been a hearing, a vote in Congress, but that is the Feres doctrine, and that has been what has been the law of the land for 70 years.

Servicemembers' spouses and families, civilian Federal employees, and even convicted prisoners have the right to sue for negligence, but not our servicemembers. Only Rich and our brave military servicemembers are denied this right by the Feres doctrine. That means that Rich, his family, and other servicemembers and their families have been denied justice in their greatest hour of need. It also means there are no consequences for botched procedures and few incentives for the military's medical providers to improve care.

In this fight to achieve justice for his family and spare others what they have endured, Rich has met with Democrats and Republicans in the House and Senate. He testified before the Armed Services Military Personnel Subcommittee, which I chair. The media has taken notice. The House has taken notice. The NDAA has addressed it in the House. The question is: Will the Senate?

At a time when Rich should be able to spend his remaining days with those he loves, he has answered the call to fight. Rich, as I promised you when you testified before the committee, we will never forget your commitment, your honor, and sacrifice, and I will keep fighting to fix Feres as long as it takes.

Congress is responsible for allowing Feres to stand for 70 years, but we can correct this failure, and we can do it now. The House-passed NDAA contains the Sergeant First Class Richard Stayskal Act of 2019. It would create an exemption that would finally give servicemembers and their families the right to sue the government for medical malpractice in noncombat settings.

The ball is now in the Senate's court where it seems Senator McCONNELL would rather help corporations than